



Entered on Docket
June 04, 2010

Lloyd King

Hon. Lloyd King
United States Bankruptcy Judge

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Counsel for the Liquidating Trustee

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:)	Chapter 11
)	
XYIENCE INCORPORATED,)	No. BK-S-08-10474-MKN
a Nevada corporation,)	
)	Hearing: May 28, 2010
Debtor.)	9:30 a.m.

**ORDER ON LIQUIDATING TRUSTEE'S THIRD MOTION FOR APPROVAL
OF SETTLEMENTS OF VARIOUS AVOIDANCE ACTIONS**

The Liquidating Trustee's Third Motion for Approval of Settlements of Various Avoidance Actions (the "Motion") came on regularly for hearing, with appearances noted on the record; David Herzog, as Liquidating Trustee (the "Trustee") for the estate of Xyience Incorporated, the former debtor and debtor in possession in the above-captioned Chapter 11 case, having moved the Court, by the Motion, and pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), for the entry of an Order approving the Trustee's settlement of avoidance actions (the "Settlements") against the following payment recipients (the "Settling Parties"):

1 a. Command Nutritionals, LLC;
2 b. Roadway Express, Inc., n/k/a YRC, Inc.;
3 c. Relevent Group, LLC;
4 d. Santoro, Driggs, Walch, Kearney, Holley & Thompson, Ltd.; and
5 e. Intelligent Media Corp. d/b/a Prime Point Media;
6 the Court having considered the Motion, and the lack of opposition, and having placed
7 its findings of fact and conclusions of law on the record in accordance with Bankruptcy
8 Rule 7052 incorporating Federal Rule of Civil Procedures 52(a); such findings of fact
9 and conclusions of law being incorporated herein; and good and sufficient cause
10 appearing therefor;

11 IT IS HEREBY FOUND, ORDERED AND DECREED as follows:

12 1. The Motion is granted.
13 2. Each of the Settlements is approved.
14 3. The Court retains jurisdiction to enforce the Settlements.
15 4. The Trustee is authorized to dismiss the adversary proceedings
16 with respect to each of the Settling Parties.

17 IT IS SO ORDERED.

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19 SUBMITTED BY:

20 /s/ Jonathan A. Backman
21 *Counsel for the Liquidating Trustee*
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LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies as follows:

☐ The Court waived the requirement of approval under LR 9021, with the consent of counsel.

☐ The following counsel waived the requirement of approval:

☒ No parties appeared or filed written objections, and there is no trustee appointed in this case.

☐ A copy of this proposed order was delivered to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved or failed to respond to the document):

Dated: May 28, 2010

Respectfully submitted,

/s/ Jonathan A. Backman

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*David Herzog, as Liquidating Trustee for the
Estate of Xyience, Incorporated*